

## Gender, Race and Class Dimensions of Nonstandard Work

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Volume 55, numéro 1, 2000

URI : <https://id.erudit.org/iderudit/051294ar>

DOI : <https://doi.org/10.7202/051294ar>

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Éditeur(s)

Département des relations industrielles de l'Université Laval

ISSN

0034-379X (imprimé)

1703-8138 (numérique)

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Citer cet article

Zeytinoglu, I. U. & Muteshi, J. K. (2000). Gender, Race and Class Dimensions of Nonstandard Work. *Relations industrielles / Industrial Relations*, 55(1), 133–167. <https://doi.org/10.7202/051294ar>

### Résumé de l'article

Nous cherchons, dans la présente revue de la littérature, à analyser de façon critique et à synthétiser les écrits sur le travail atypique dans ses dimensions de genre, de race et de classe sociale. En plus de la littérature, nous incorporons à notre analyse notre expérience et nos connaissances accumulées par la recherche sur le sujet. Il est important et crucial de comprendre les dimensions de genre, race et classe sociale du travail atypique et leurs interrelations pour élaborer des politiques publiques appropriées. Après avoir défini le travail atypique et l'interrelation des facteurs de genre, race et classe, nous présentons notre discussion dans un cadre conceptuel de dualité à l'intérieur duquel nous situons les différentes formes du travail atypique. Nous entendons par dualité la division de la main-d'œuvre entre les travailleurs principaux et les travailleurs périphériques, division qui se reflète dans des marchés du travail différents selon le sexe, la race et les classes. Dans une telle hiérarchie, le travail féminin, surtout celui des femmes des minorités raciales et des femmes économiquement défavorisées, en est venu à prédominer dans les emplois atypiques les plus périphériques et précaires.

Nous poursuivons notre revue critique de la littérature par une discussion sur le fait que la création d'emplois atypiques est surtout initiée par les employeurs. Le travail atypique est créé dans un marché du travail, dominé par un système de valeurs masculines, qui est fondamentalement construit et stratifié selon le genre, la race et les classes. Nous examinons le rôle que pourraient jouer les syndicats dans l'atteinte de l'équité sur les marchés du travail. Nous concluons en recommandant des changements dans les politiques publiques en matière de travail pour répondre aux besoins des travailleurs, surtout les femmes des minorités raciales et celles économiquement défavorisées qui occupent ces emplois atypiques.

Il n'y a pas de définition claire du travail atypique. Ici, nous le définissons à l'intérieur des grandes catégories de travail : temporaire, à temps partiel et à domicile. Nous nous concentrons sur le sexe, la race et la classe comme étant interreliés et se renforçant mutuellement.

L'accroissement du travail à temps partiel durant les années 1980 a amené plusieurs chercheurs à conclure à l'existence d'une structure dichotomique d'emploi selon laquelle les travailleurs à temps plein constituent le « noyau » et les travailleurs à temps partiel sont embauchés en « périphérie » du lieu de travail. Dans le marché interne du travail, un système de travail à deux niveaux a été défini et a organisé les travailleurs de façon inégale, renforçant les pratiques d'exclusion et engendrant des désavantages au profit des groupes dominants. Ce n'est pas simplement n'importe quelle femme ou toutes les femmes qui sont prisonnières de l'idéologie du travail atypique : lorsque nous considérons qui fait quel travail, l'histoire et les récentes études de cas indiquent que ce sont les femmes membres des minorités raciales souvent économiquement défavorisées qui fournissent cette flexibilité du travail atypique au marché du travail et aux entreprises. La réalité pour la plupart des travailleuses atypiques est d'être exclues des droits et avantages sociaux, et d'une protection adéquate par les syndicats. Les syndicats, traditionnellement dominés par les hommes, et considérant l'homme comme gagne-pain, se sont structurés pour protéger le travail à plein temps et non le travail périphérique atypique. Sur cet aspect, la littérature se préoccupe encore du degré de support des syndicats pour le travail féminin. Avec les relations d'emploi qui sont en mutation, les syndicats doivent chercher de nouvelles approches pour la syndicalisation et la négociation collective axées, par exemple, sur l'occupation, la région, le secteur ou le type de service, tout en se préoccupant des différents besoins des travailleurs. L'histoire du syndicalisme de métier et les succès actuels de la syndicalisation et de la négociation collective pour un éventail de travailleurs, tels ceux de la construction, les artistes et les médecins, démontrent la possibilité de syndiquer des travailleurs atypiques et de négocier pour eux. Le mouvement syndical doit se joindre aux non-syndiqués, c'est-à-dire les femmes et les travailleurs atypiques, pour contrecarrer les objectifs des employeurs de rendre les travailleurs flexibles plutôt que les processus de production. Les gouvernements ont longtemps empêché le développement de politiques législatives et réglementaires répondant aux besoins des travailleurs à temps partiel, des travailleurs temporaires et des travailleurs à domicile. On reconnaît de plus en plus maintenant que les lois et règlements internationaux, nationaux ou régionaux et les conventions collectives devraient répondre aux préoccupations spécifiques des travailleurs atypiques et leur fournir une protection adéquate. L'étendue de telle protection varie d'un pays à l'autre. Au Canada, on retrouve une certaine protection pour les travailleurs atypiques dans certaines lois. Le problème ici en est un d'application de ces lois selon les différentes formes de travail atypique. Tels travailleurs connaissent rarement des heures continues de travail, n'ont pas de relation stable et permanente avec leur employeur, ne travaillent pas suffisamment longtemps pour avoir accès aux avantages et aux droits prévus à la loi ou ne jouissent pas d'une relation de subordination juridique suffisante pour être reconnus comme salariés. Il est grand temps de réviser les concepts légaux traditionnels pour permettre de nouveaux modèles législatifs d'application, de représentation et de négociation.

# ***Gender, Race and Class Dimensions of Nonstandard Work***

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*This review article critically analyzes and synthesizes the academic literature on nonstandard work and its gender, race and class dimensions. We argue that it is important and crucial to understand these dimensions of nonstandard work in order to develop appropriate labour policies. We present our discussion in a conceptual framework of duality within which nonstandard work forms are located. We discuss the role the unions could play in achieving equity in labour markets and conclude the paper with recommended labour policy changes to respond to the needs of women, particularly those racial minority and low economic class women employed in nonstandard jobs.*

The increase in nonstandard work in industrialized countries is well known and documented (ILO 1998a; Lee 1997; Zeytinoglu 1999a). There is mounting empirical evidence that nonstandard work has come to represent a “particularly female option” (Amott and Matthaei 1991; Drew 1992; Ministry of Labour 1997; Mitter 1991; Roldan 1996; Zeytinoglu 1996, 1999a) where work is being contracted in a “gender differentiated way” (Beechy and Perkins 1987; Elson 1996; Kainer 1998). Nonstandard work forms are not new (Summers 1997; Nollen 1999); they were common until the 1940s, declined in importance during the economic growth years of the 1950s to the mid-1970s, and reemerged in the late 1970s gaining momentum in the last two decades. What is new is the increase in the proportion of nonstandard work in newly created jobs (Cappelli et al. 1997; Zeytinoglu 1999a).

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— This study is funded by a research grant from the Social Sciences and Humanities Research Council Canada.

Employment in the 1990s has become polarized in terms of hours worked, earnings and job security. Nonstandard work is at the worse-off end of this polarization, characterized by unstable or few work hours, low level of earnings, and lack of job security (Cappelli et al. 1997; HRDC 1996; Osterman 1996; Statistics Canada 1998a, 1998b). The increase in nonstandard work and the resultant polarization in employment raise serious concerns of widening social inequality and deteriorating employment opportunities for workers in such jobs in Canada (Ministry of Labour 1997; Zeytinoglu 1996), in the U.S. (Belous 1997; Kalleberg et al. 1997) and globally (ILO 1998a; Lim 1996). Women, particularly racial minorities and those of low economic class, dominate the worse off end of polarized employment (Brodie 1994, Dagg 1997; ILO 1998a; United Nations 1995; Zeytinoglu 1996; Zeytinoglu and Muteshi 1999).

The purpose of this review article is to critically analyze and synthesize the academic literature on nonstandard work and its gender, race and class dimensions. In addition to this academic literature, we bring into the analysis our accumulated research knowledge and experience in this field. The central argument concerns the importance of the gender, race and class dimensions of nonstandard work, as well as their intersection, to the development of appropriate labour policies. After defining nonstandard work and the "intersectionality" of gender, race and class factors (Bannerji 1995), we present the conceptual framework of duality which informs our discussion of the forms of nonstandard work. Duality is here understood as being enacted through the division of the workforce into core and periphery workers; which simultaneously intersect with gender, race, and class differentiated labour markets. Within such hierarchies, the labour of women, particularly racial minority and low economic class women, have come to dominate the most peripheral and precarious nonstandard jobs.

There follows a discussion of the nonstandard job creation in which it is argued that the placement of individuals in these jobs is primarily employer-driven (Das Gupta 1996; Glasbeek 1993; Houseman 1997; White 1993; Zeytinoglu 1999a). Nonstandard work is created in a labour market dominated by the male-normed value system of work (Forrest 1996, 1998; Zeytinoglu 1994a) which is fundamentally constructed as segmented and stratified along gender, race and class lines. We then discuss the role unions could play in achieving equity in labour markets, and conclude the paper with recommended labour policy changes to respond to the needs of female workers, particularly racial minority and low economic class women in nonstandard jobs.

Readers should be aware of several limitations to our review. First, although the literature critically analyzed and synthesized is from a wide range of disciplines such as labour economics, sociology, labour law and

women's studies, the primary emphasis is on industrial relations literature. Second, the literature in the above listed disciplines is immense. Our review covers only a limited number of articles within those disciplines, selected to give a representative view of our observations and analysis on the gender, race and class dimensions of nonstandard work. Third, although there are many other articles examining various aspects of nonstandard work such as motivation and job satisfaction issues, we chose only those publications that directly relate to the focus of the paper. Last, there might be studies showing findings contrary to our analysis but we argue that those will be exceptions rather than generalizations.

### ***DEFINING TERMINOLOGIES: NONSTANDARD WORK AND THE "INTERSECTIONALITY" OF GENDER, RACE AND CLASS***

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There is no clear definition of nonstandard work in the academic literature. For example, Kalleberg et al. (1997) defines seven types of work arrangements as nonstandard: regular part-time, temporary help agency work, on-call/day labour, self-employment, independent contracting (waged), independent contracting (salary-work), and contract company work. Nollen (1999), on the other hand, lists telecommuting, temporary work, part-time employment, self employment and flexible schedules under nonstandard work. Zeytinoglu (1999b) uses permanent part-time, temporary/term full-time, and temporary/term part-time terminologies, and places nonstandard workers into one of these three categories. In a study of U.S. employers, Houseman (1997) lists temporary help agency workers, short-term hires, regular part-time workers, on-call workers, and independent contracts. And Summers (1997), in his discussion of contingent employment, uses three categories: part-time work, temporary employment and detached employment.

This review definitions highlights nonstandard work has a variety of categories. In this paper, drawing on Zeytinoglu's (1999b) study, we classify nonstandard work according to three broad categories: part-time work, temporary work, and home-based work. Part-time work can be permanent or casual part-time. Temporary work can be casual or fixed-term contract work. In either case, the work can be full-time or part-time hours. Home-based work includes the newly emerging telework and own-account self-employment, and can entail either full-time or part-time hours. Nonstandard work can thus be based on the product or service delivered, for example piecework or project work, or it can be based on hours of work, which, in turn, can be either full-time or part-time hours. The workplace of the non-standard worker can be the employer's location (i.e., the traditional

workplace), the worker's home as the workplace, or a third party's workplace where the work is conducted on behalf of the employer/contractor. Only full-time permanent (continuous) work with an indefinite-term employment contract is excluded from the definition of nonstandard work.

Although the gender, race and class terminologies used in this article are often discussed and analyzed separately in academic literature, here we focus on them interconnectedly. As Bannerji (1995: 121) discusses, "the 'intersectionality' of gender, race and class are interactive terms, mutually constructing or reinforcing each other." In discussing the double jeopardy of race and gender and discrimination at work in relations to her case as a member of a Law Faculty in a Canadian university, Carasco (1993: 143) concludes:

For women of colour, experiences of discrimination are complex and do not fit easily into the existing structures of racial discrimination. While the effects of discriminatory conduct may be evident, isolating race or gender as *the* basis for inequality is often difficult.

In our review, when gender is used, we understand the separation of women and men as social constructs influenced by social values (Fleras and Elliott 1996). Women, as traditionally used, refers to a homogenous group of women. However, as Bannerji (1995) argues, and we discuss elsewhere (see Zeytinoglu et al. 1999), this homogeneous terminology used in Canadian academic literature, laws and policies refers to White women representing all "other" women unless clearly specified. For Bannerji (1995), "other" women, such as racial minorities and Aboriginal women, are variants to the "norm" White women. As she clearly shows in her examples of legal cases on sexual harassment in Canada and the U.S., the subject "women" is White women in all cases unless specified as Black women or another race. She says, "It is *because* White women are implicitly and fundamentally 'raced' as white and thus members of the 'master race', that they don't need to be named as such" (Bannerji 1995: 127). In examining legal test cases that constitute feminism applied to law in Canada, Razack (1990–1991: 441) also shows that "woman as a category" has been understood as "uncontaminated by race, class, or social situation." All women share a core of gender oppression, but as Razack (1990–1991: 442) says,

When white middle-class women have argued in court, it is from their own experiences as women that they have spoken, obscuring in the process the complexities of oppression as it is experienced by poor women and women of colour.

Race is a social classification of people (Fleras and Elliott 1996) who are perceived as different from others by virtue of certain real or presumed characteristics (van den Berghe 1970). As Fleras and Elliott discuss (1996),

there is no one term that adequately encapsulates all Canadians who are non-Caucasian in race or non-White in colour. The literature uses a variety of terminologies for these individuals: visible minorities, racial minorities, coloured people or, in the literature from the U.S., minorities. In this study, unless when quoting the work of others, we use racial minority terminology which, though not perfect, is the one that best captures our intended focus of workers. Racial minority is used here synonymously with the visible minority term of the Employment Equity Act and Statistics Canada's Census Canada 1996. Racial minority refers to "persons, other than Aboriginal peoples, who are non-Caucasian in race or non-White in colour. Under this definition, the regulations to the Employment Equity Act specify the following groups as racial minorities: Chinese, South Asians, Blacks, Arabs and West Asian, Filipinos, Southeast Asians, Latin Americans, Japanese, Koreans, and Pacific Islanders" (Statistics Canada 1998c: 9).<sup>1</sup> We also acknowledge that, as Fleras and Elliott (1996: 278) discusses, "the 'minority' term, socially speaking, is not a numerical value but a social relation in which one party lacks power or access to scarce resources."

In discussing class, we refer to economic class. As Das Gupta (1996: 2) presents in her study of the garment industry and nursing in Canada,

workplaces are located within a capitalist political economy where class relations and class struggle fundamentally shape the everyday lived relations of human beings. These lived relations are also shaped and mediated by racism, sexism and other forms of discrimination... There is a web of relations based on class, gender, race, age, nationality and other socially constructed variables which are inter-related and mutually reinforcing.

In this study, we do not discuss whether nonstandard work places workers into a lower economic class or vice versa. That argument, though a topic worthy of analysis, is beyond the scope of this study.

### ***CONCEPTUALIZING THE LOCATION OF NONSTANDARD WORK: ENACTING DUALITY***

Duality in labour markets and in the internal labour markets of firms has been the subject of analysis in the academic literature since the early work of Doeringer and Piore (1971). The increase in part-time work in the 1980s led to many studies (see, for example, Atkinson 1987; Beechey and

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1. Aboriginal women are another group doubly disadvantaged in Canada. The terminology includes those with Aboriginal origins of either North American Indian, Metis, or Inuit ancestry, or those who are registered Indians but do not have Aboriginal origins, such as women who are granted registered Indian status when they married Aboriginal men (Moore 1995).

Perkins 1987; Belous 1989; Nollen, Eddy and Martin 1978; Osterman 1987), that pointed to the existence of a dichotomous employment structure in firms, whereby full-time workers are the "core" group, and part-time workers are employed in the "periphery" of the workplace. Analysis of employer strategies to achieve numerical flexibility identified core jobs as well-paying, secure and with promotion and training opportunities, and peripheral jobs with characteristics that are just the converse of these (see, for example, Belous 1989, 1997; Blyton and Morris 1991; Gallagher 1999; Nollen, Eddy and Martin 1978; Nollen 1996, 1999; Tilly 1992, 1996; Zeytinoglu 1992, 1999a).

Studies showed the use of part-time and other forms of nonstandard work to achieve numerical flexibility in public and private sector enterprises as both a discourse and a practice for managing organizations and deploying labour markets (Elson 1996; ILO 1998a; Lim 1996; Statistics Canada and HRDC 1998; Zeytinoglu 1999a). In other words, firms institute labour practices that support the employer's desire to "influence their locational decisions, [in] creating distinctive labour markets and literally mapping labour market segmentation into place" (Hanson and Pratt 1995: 158) enabling employers to deploy labour to where and when it is needed (Amott 1993; Smith 1993; Zeytinoglu 1991, 1992).

Not only in Canada but in most industrialized countries (Doeringer et al. 1991; ILO 1994, 1998a; Lee 1997; Osterman 1996; Zeytinoglu 1999a) the internal labour markets of firms have become more dualistic in nature. For dualism enables firms to concentrate on primary activities while incorporating cheaper peripheral labour so as to keep production costs down in the face of competition or economic recessions (Cappelli et al. 1997; HRDC 1994; Glasbeek 1993; ILO 1994; Zeytinoglu 1994a). As Cappelli et al. (1997: 5) state, "even a casual observer of the business world is aware that the accepted wisdom in business world has changed 180 degrees" from promoting Japanese management practices of life-time employment to outsourcing, subcontracting and using peripheral workers. Their study shows that companies are not only subcontracting the traditionally peripheral functions such as cleaning and security services, but they are also contracting out functions that have been viewed as integral to the functioning of the organization, such as human resources and clerical work. As they argue, and we concur, nonstandard work represents a permanent change in the nature of employment relationships.

The duality allows firms to create and expand particular types of work forms such as part-time, temporary and home-based work (Appelbaum and Batt 1994; Barling and Gallagher 1996; HRDC 1994; Tilly 1996; Zeytinoglu 1999a). Canadian labour force data show that since 1976, 44% of total employment growth has been due to growth in nonstandard jobs

(HRDC 1996), though there has been some fluctuation in the increase in full-time versus nonstandard jobs depending on the volatility of the economy. During recessionary periods nonstandard employment increases and this is the trend not only for Canada (Gauthier and Roy 1997; Zeytinoglu 1999b) but also for other countries (Druker 1999; Gallagher 1999; Nollen 1999).

The latest Census Canada (Statistics Canada 1998a) shows a large increase in individuals working on a part-time basis, accompanied by a decline among those working on a full-time basis. Similarly, temporary/contract work has been on the increase since the late 1980s, with a growing number of individuals working under contract (Zeytinoglu 1999b). For example, Lipsett and Reesor's (1998) study showed that about 10% of the workforce in Canada was employed in temporary jobs. Home-based work has also increased (Statistics Canada 1998a), and as Gauthier and Roy (1997) showed, the growth rate of self-employed without employees strongly surpassed the growth rate of paid employment (5.3% and 0.2%, respectively). The service sector, which employs the majority of nonstandard workers, has been the engine of growth for more than four decades (Bernier 1996; Statistics Canada 1998a). For example, between 1991 and 1996, job growth was the strongest in the service sector with a large number of jobs created in the nonstandard category (Statistics Canada 1998a).

Evidence suggests that these nonstandard work forms are employer measures to "raise and lower wage rates in line with the profitability of the firm" (Elson 1996: 36), thus saving on labour costs (Cappelli et al. 1997; Nollen 1999). Houseman's study of U.S. employers (1997) shows that companies save on labour costs by hiring nonstandard workers. Nonstandard direct employees of the establishment, such as short-term hires, part-time and on-call workers, are less likely to receive benefits such as paid vacations and holidays, paid sick leave, pensions, and health insurance than regular full-time workers. According to her data, these workers "are much less likely to receive benefits from their employer not because they are concentrated in firms offering few benefits, but because employers distinguish between flexible [i.e. nonstandard] workers and regular workers in determining benefits eligibility" (Houseman 1997: 30).

The research also indicates that some women, particularly those in professional jobs, choose to work part-time or in contract positions, often for a short period of their careers, to balance their work and personal/non-work objectives such as educational goals, family and household responsibilities (Bielenski and Koehler 1999; van Dyne and Ang 1998; HRDC 1994). For example, Zeytinoglu (1991, 1993) showed that some elementary school teachers and nurses, who are primarily female workers, chose part-time work to balance their work and family life. Houseman (1997)



also found that employers sometimes accommodated employees' wishes for part-time jobs in order to retain valued employees. Romaine and Zeytinoglu's (1999) study of accountants in Canada showed similar intentions of employing firms, such as offering part-time positions at lower levels of the organizational hierarchy to attract and retain young, child-bearing/rearing age female accountants. However, they also found that part-time option was not used by many of the professionals studied due to the fear of backlash from their colleagues.

Although many researchers have studied the relationship between work, family and part-time work, there are no definitive answers of the impact of one on the other (Barnett 1996). While Lee and MacDermid's (1999) study of 87 professionals and managers showed that part-time work did not hamper their career progress, Duxbury and Higgins (1991) found that an application for part-time status was seen in corporate cultures as a signal that one is not serious about career, and as Romaine and Zeytinoglu (1999) showed, societal pressures made this signal more pronounced and acceptable when it came from a woman. On balance, most studies suggest societal costs ranging from missed promotion opportunities to lower pensions emerging for women employed in such peripheral positions (Acker 1992; Barnett 1996; Brodsky 1994; ILO 1998a; Romaine and Zeytinoglu 1999; Zeytinoglu 1996).

Osterman (1996) and his colleagues' study of the managerial/salaried workforce in the U.S. suggests that nonstandard work relationships are now more common among this workforce than commonly believed. They showed that since mid-1970s, the terms and conditions of work for most employees — from unskilled worker to middle-level managers — have changed, and most are now employed in peripheral work conditions. For managers, there was more job insecurity and slower promotions, while managers worked with less staff in more complex jobs. Thus, researchers have been observing the move on the part of firms to "decentralise" and create a duality through separating their workforce into a core group with stable, continuous and secure jobs, and a peripheral group employed in intermittent and at-will nonstandard jobs (Elson 1996; Tilly 1996; Zeytinoglu 1994a, 1999b).

Smith (1993), focusing on this dualistic tendency, endeavours to illuminate the complexities that are inherent in such core-periphery structures in workplaces. In her analytical framework, the dualism inherent in the restructured and flexible workplace can be comprehended in terms of: "restrictive" and "enabling" flexibility or, as commonly known in the industrial relations literature, numerical and functional flexibility. By enabling approaches (i.e., functional flexibility), employers seek to enhance their long term relationships with their workers. They invest in the skill

development of its workforce and perceive flexibility as a constructive and advantageous cost-effective alternative to the traditional working hours for both employers and workforce. Whereas with restrictive approaches (i.e., numerical flexibility), "firms downgrade the employment relationship," "turn labour into an easily manipulable quantity" and de-skill work processes as they "seek to curtail all fixed costs" (Smith 1993: 197). As Grenier, Giles and Bélanger (1997: 705) show, numerical or functional flexibility is based on management choice to achieve flexibility, and "in the context of a large corporation, different flexibility strategies are not only possible but even quite likely."

### ***NONSTANDARD WORK: THE ARTICULATIONS OF GENDER, RACE AND CLASS***

This two-tiered system of work in the internal labour market of firms has shaped and defined workers into unequal arrangements with each other, and upheld practices of exclusion and the structuring of disadvantage in favour of the dominant groups. Nonstandard work arrangements have separated the Canadian workforce along gender, race and class lines. For example, focusing on the gender dimension, Zeytinoglu (1999b) showed that in 1995, males were more in permanent and temporary/term full-time jobs than females, while females were in permanent and temporary/term part-time jobs. The evidence from the U.S. (Gallagher 1999; Kalleberg et al. 1997; Nollen 1996, 1999), the European Union (Delsen 1999; Meulders and Plasman 1999; Bielenski and Koehler 1999), Australia (Quinlan and Mayhew 1999) and Japan (Gottfried and Hayashi Kato 1998) is similar.

Women dominating the part-time workforce is not a new phenomenon. Sangster (1995) found a growing level of acceptance of the possibility of part-time work for mothers in the 1940s, distinct from the earlier blanket condemnation of working wives. In 1940s and 1950s, women provided a flexible pool of part-time labour for sectors like retail trade. In the 1960's and 1970's, employers actively created core-periphery divisions within their internal labour markets by exploiting the connections between employment, discourses on family, gendered divisions of labour and social attitudes and expectations about who does what type of work. Employers were able to utilize women's life stages to draw women into the dualistic internal labour markets (Acker 1992; Beechy and Perkins 1987; Dex 1985; Duffy and Pupo 1992; Forrest 1996; Hansen, Madsen and Stroby Jensen 1997; Hanson and Pratt 1995; Smith 1993; Walby 1986; Zeytinoglu 1994a).

The pursuit of dualistic labour structures and, thus, nonstandard work, has led to the production and reproduction of a segmented labour force in the workplace that is not only gendered but also race and class stratified

(Acker 1990; Glenn 1992; Hossfeld 1990). For instance, Amott (1993: 52) notes that "for decades, the majority of women of all racial groups, along with most men of colour, were found in the secondary sector." She and other researchers further observe that the "core" well-paying, unionized and secure jobs were created for the predominantly White male workers, and the mobility from the periphery to the core (within firms and in the economy as a whole) was limited (Acker 1992; Amott 1993, Duffy and Pupo 1992; Forrest 1993a; Geary 1992; Zeytinoglu and Muteshi 1999). This dichotomous ordering of economic life thus privileged and protected the members of the "core."

One can argue that economic restructuring of the 1980s and 1990s, coupled with women's advancement into non-traditional jobs could have decreased the number of White men in core jobs. It is also possible to argue that the sharp decline of manufacturing and resource jobs pushed sizeable numbers of White men into peripheral jobs. As Glasbeek (1993: 251) observes:

women as a pool of cheap labour create downward pressures in wages of men... pitting men in the work-for-wages force against women and other new entrants, such as the young, the old, men and women of colour, and the differently-abled — often referred to as nontraditional workers.

Despite this decline in jobs in the well-paying manufacturing and resource sectors, women are not replacing men in these sectors where there are fewer females employed than ever. Rather, this decline is the result of the introduction of new technology and the declining importance of these sectors in the economy (Cappelli et al. 1997; Lee 1997; Zeytinoglu 1999a). This phenomenon started in the early 1980s and still continues today (see for example, Betcherman and Lowe 1997). Moreover, though there might be some [White] men working in peripheral jobs, employment trends show that men are retiring early (Statistics Canada 1998b) or experiencing longer-term unemployment or dropping out of the labour force (Sharpe and Zyblock 1997) rather than working in nonstandard jobs. For example, in 1998, among newly created jobs, full-time jobs are still filled primarily by men while part-time jobs are domains associated with women's employment (Statistics Canada 1998b). Delsen's (1998) study of OECD countries demonstrates that men are unwilling to work part-time because of the unequal treatment of part-time work and the cultural values of the male-as-the-breadwinner who cannot work in such jobs. Lastly, while one can argue that women's lot in the workforce is improving and women are earning higher wages than before, there is still a large wage gap between working men and women (Statistics Canada 1995, 1998a, 1998b), and women still represent a small percentage of workers in professional occupations and are in the lower ranks. As we argued elsewhere (Zeytinoglu

1995, 1996), these facts tend to be invisible to some mainstream decision-makers.

Thus, within the nonstandard workforce, women as racialized and gendered labour have come to dominate the most precarious, peripheral, and "restrictive" jobs (Acker 1990; Amott 1993; Amott and Matthaei 1991; Dagg 1997; Neal 1994; Ministry of Labour 1997; Smith 1993; Zeytinoglu 1996). These jobs rely on the exploitation of unequal gender, race and class relations. It should be noted that White, middle-class women with significant labour market interruptions for reproduction and family-care work fall into the peripheral group though, if they choose to, they have more opportunities to move back to the core group than the racial minority and low-economic class women. As Fleras and Elliott (1996: 139) argue, both racial minority women and men suffer discrimination at work, but racial minority women are doubly disadvantaged due to their additional devalued categories:

Sexism and racism combine with social class to account for the social inequities so common in our society... Women of colour in Canada may experience more discrimination than either minority group males or white females. Low status penalties are compounded by the forces of race, class, religion, and gender.

Arat-Koc and Giles (1994: 6) elucidate these relations of differences:

Some capitalistic societies have provided such sites where racial minority women, who are often migrants or immigrants, provide one type of labour that is devalued as opposed to the more highly valued work of white women.

Gender, race and class dimensions of nonstandard work can be understood better if we were to examine their historical connectedness through colonialism and slavery in Canada (Bannerji 1995; Das Gupta 1996), and related to that, Canada's past and present immigration policy (Arat-Koc 1990; Macklin 1994). Historically, in Canada, racial minority women, such as Black or Chinese women, were brought in to be employed in peripheral jobs of servants, cleaners, laundry workers while White women, mostly Irish, English, German, French, were employed in higher ranking jobs of nannies or teachers (Arat-Koc 1990; Brand 1991; Prentice et al. 1988). For example, Calliste (1996), referring to 1900–1930, notes that Caribbean women were in great demand as domestics since few Canadians were attracted to this work because of deplorable working conditions — low pay, long hours, hard labour, low status, isolation, and lack of independence and respect for workers in such jobs.

Between the 1930s and the 1970s, with many clerical and light-manufacturing jobs created, the development of time-saving household equipment, and the social construction of the "housewife" to do the housework, racial minority women's domestic jobs declined, replaced by similarly low-ranking, low-paying peripheral jobs in manufacturing and service

sectors. In the 1970s, as White middle-class women flocked into well-paying jobs, their domestic tasks were again delegated to racial minority and/or low economic class women, many of whom were immigrants (Arat-Koc and Giles 1994; Macklin 1994; Zeytinoglu et al. 1999). Moreover, racial minority women, when employed in manufacturing or service jobs, were still in the lowest paying, most insecure, peripheral jobs (Das Gupta 1996).

Racial minority workers who are primarily of low economic class, tend to have limited bargaining power and knowledge of their rights, and are easily relegated into insecure, poorly paid jobs, with no career mobility (Briar 1992; Drummond 1992; Levitan and Conway 1992; Smith 1993; Dagg 1997). As Das Gupta (1996: 9) shows, capitalist ideologies, management philosophies, sexism and racism facilitate worker segmentation working against peripheral workers. She says,

White workers and workers of colour, segregated by jobs, skill levels and physical space, serve to maintain their divided consciousness and power. Management needs the powerlessness of all workers, but particularly of Black workers and workers of colour in order to maintain a division of labour based on race and ethnicity.

And it is these very conditions of work that allow nonstandard work and duality to be created in firms.

Large scale survey data on gender, race and class dimensions of non-standard work is not yet available in Canada, though the historical context of such relations as briefly presented above and the case studies we present in the following paragraphs strongly suggest such demarcations. In addition, data from the U.S. show gender and race differences in nonstandard work. For example, Nollen (1996, 1999), using the U.S. Bureau of Labour Statistics data show that while men are primarily employed full-time, women are in part-time jobs; and when data is analyzed according to race, Blacks are disproportionately in casual/temporary jobs, as opposed to full-time work or self-employment.

In the absence of a comprehensive Canadian data, recent Census data on visible minorities and recent immigrants suggest the trends on gender, race and class in nonstandard work. In 1996, 11.2% of the population identified themselves as members of a visible minority, up from 6.3% in 1986 (Statistics Canada 1998c). About three out of ten individuals who identified themselves as a visible minority were born in Canada, the remainder were immigrants. The face of immigration has also changed in Canada: over half of the immigrant population who arrived since 1970s, and three quarters of those who came in the 1990s, are members of a visible minority group (Statistics Canada 1998c). Using Census data from 1986 to 1996, and focusing on those in prime working ages of 25 to 44, Badets and Howatson-Leo (1999) showed that although most recent immigrants spoke

one of two official languages and were highly educated, they were less likely to be employed, or if employed, more likely to be in part-time or part-year (seasonal, casual) jobs. The authors refer to recent immigrants as those people who immigrated to Canada five years or less prior the date of the Census. Using 1996 Census, the authors noted that the majority (58%) of employed people aged 25 to 44 years among recent immigrants was working part-time or part-year, as compared with 42% of Canadian-born between the ages of 25 to 44:

While high levels of part-time employment is not a new development for... immigrants (many in the 1980s were also in this situation), the incidence of this work arrangement has become more frequent since 1990 (Badets and Howatson-Leo 1999: 21).

Their study also showed that in the 1990s, recent immigrants, three quarters of whom are racial minorities, were not only more in nonstandard work, but were also stuck longer in those type of jobs. These data suggest that the dualistic tendencies are being intensified, and are critically affecting the most vulnerable workers: racial minorities in the low income group.

There are some case studies illustrating our point. For example, in the temporary/contract cleaning jobs, Neal (1994) shows how gender, race and class privileges are shaping the core and the periphery of the internal labour market. Studying the flexible employer strategy of (the peripheral) subcontracted cleaning work in two public sector Canadian institutions, Neal provides evidence of the existence of a two-tiered system of wages, tasks, and working conditions for workers employed in the same building. Neal found that workers bifurcated into two categories: the less privileged, low-status, non-unionized, racially and ethnically divided, subcontracted female office cleaners working the night shift; and the more privileged, unionized carpet cleaners, who were men and rarely ever racial minorities, who worked the better paid day shift.

In a study of occupational health issues in a food processing plant, Hajdukowski-Ahmed et al. (1999) showed similar gender and race divisions within workers. While the few men were employed in continuous, full-time jobs defined as skilled jobs, most women were relegated to jobs defined as semi-skilled or unskilled. The majority of those jobs, thus, the majority of the female workforce, were casual/seasonal. The female workforce, primarily immigrant, was separated along racial lines, with those of European origin employed in better paying semi-skilled jobs or in supervisory positions, and racial minorities (Central and Latin Americans) employed in the lowest-paying, repetitive, and least skilled jobs.

In another example focusing on the female-dominated home care work in Ontario, Denton and Zeytinoglu (1996) and Denton et al. (1998) highlight the interactive nature of gender, race and class in creating duality in

servicing clients. In this case, the government regulations created the duality among the predominantly female workforce. Whether jobs would be full-time or part-time, permanent or casual, and for each job and its levels, the educational requirement and the acceptance of the Canadian equivalency of the degrees based on the country the degree is obtained from and the resultant pay levels were regulated by the government. These regulations were designed in such a way that (the low paid but demanding) service jobs in home care work were appealing primarily to the female workforce, who were also separated into core and periphery based on race and class lines. They found that skilled, better paying and full-time managerial and supervisory jobs, and skilled, better paying but part-time nursing and therapist jobs were filled primarily by White women. Jobs designated as less skilled, lower paying and casual were filled by racial minority and Aboriginal women and/or women of low economic class.

Studying homework in Toronto's garment industry, Das Gupta (1996) also showed that in their search for lower production costs, particularly under the competitive environment of the NAFTA, Canadian retailers and North American manufacturers resorted to the use of homeworkers who are, and have historically been,

non-English or French-speaking immigrant women, and more recently, women of colour. They have no [job] security, no promotions, earn super-exploitative wages, often paid by the piece, and work in unsafe health conditions (Das Gupta 1996: 55).

As these studies have underscored, it is not just simply any woman or all women who are being captured by the discourse on nonstandard work. Rather, when we take into account who is doing what type of work, the historical record and present day case studies suggest that racial minority women, many of whom are from low economic class, provide the flexibility of nonstandard work in both the labour market and firms. In a related illustration, Macklin (1994: 34) writes:

a woman exercising class and citizenship privilege is not so similarly situated to all women; she can afford to access the labour of lower economic class and migrant women and thereby opt out of the worst of 'female type jobs' including the reproductive work in the home.

### ***UNIONS, NONSTANDARD WORK AND THE POLITICS OF GENDER, RACE AND CLASS***

The preceding sections demonstrated the profound hierarchies that have created challenges for workers in dualistic labour markets. Brodsky (1994: 57) has rightly pointed to the insidious consequences of such duality for diverse workers:

Increased joblessness, income loss among displaced workers, disruption of career paths for young adults and for the older workers, falling employee commitment,

reduced labour productivity resulting from an uncertain job climate, and a large impact on the displacement of minorities.

These consequences of the polarization of labour have pushed the issue of nonstandard work practices to the forefront of labour struggles in industrialized economies.

The reality for most workers in nonstandard work has been inadequate protection or total exclusion from employment benefits and rights. Yet the needs of these workers continue to increase. Traditionally male-dominated and male-as-the-breadwinner normed (Forrest 1998; Glasbeek 1993), unions were structured to protect full-time work, not the peripheral non-standard work (Zeytinoglu 1994a). Unions helped working men, both skilled and unskilled, to organize and get better working conditions, but they were slow to support working women and racial minorities unless they happened to be employed in workplaces they represented. Even within the same workplace, unions, historically, cooperated with employers in dividing the workforce along gender and race lines, negotiating separate and often inferior contracts for women and/or racial minorities. For example, Frager's (1992) study of Eaton's 1934 strike shows the solidarity of women while help from their male leaders was not forthcoming, and Sugiman's (1994) study of autoworkers shows how the workplace justice in the 1960s was defined by a male discourse and a predominantly masculine agenda. Reiter (1995), on the other hand, shows that although there was no gender equality at work at Lanark (the workplace), the union staff, all men, helped and supported women's demands and the strike.

Focusing on present day and nonstandard work issues, the literature still give cause for concern regarding union support for working women. The feminist literature (Briskin and McDermott 1993; Charles 1993; Cobble 1993; Forrest 1993a, 1993b, 1996; Rees 1992) has deconstructed the concerns of female workers in relation to unions. Briskin and McDermott (1993: 7) identify four main concerns: "union complicity in the gendered segmentation of labour markets; union support for traditional ideologies about women's work, breadwinners and male headed families; union resistance to broader-based bargaining; patriarchal, bureaucratic and anti-democratic union structures and practices that marginalise women."

In her scrutiny of Canadian unions, Forrest (1993a, 1993b) demonstrates how union benefits have favoured long term service workers leaving most women "stranded," because generally women's historical participation in the workforce has not always coincided with the traditional model of long and continuous service. Given this norm, Mason (1992) shows that central bargaining and unionization are greatly diminished among workers with definite-term contracts. Consequently, the vast majority of women who are in the increasingly female dominated, secondary service sector



workplaces have been persistently ignored or have failed to be understood within current policies and industrial relations practices. For example, White (1993) provides data on differential rates of union representation both for women and nonstandard workers. She shows that part-time and temporary work, among other factors, have a critical effect on the unionization rate of women. She presents that while part-time workers, of whom about three quarters are women, have a low unionization rate, part-year workers who are seasonal workers in agriculture, primary industries and construction, and almost all males, have a much higher unionization rate.

The nonstandard work that has produced gendered divisions among workers are reflected in the union movement's approach to this type of work (Briskin and McDermott 1993; Forrest 1996; Leah 1993). For example, until recently, union leadership led by the majority members — full-time working members — were in general agreement with the Ontario Labour Relations Board and employers that full-time workers have different community of interests than part-time workers (the largest nonstandard group). Thus, as Zeytinoglu (1994a) showed, the union leadership agreed to separate full-time and part-time contracts often with inferior working conditions for the latter, or they negotiated part-time/temporary/casual worker clauses in full-time contracts with peripheral conditions for the nonstandard worker. Thus, they coopted into the full-time versus part-time division of the workforce in firms, which also reinforced the division based on gender lines, racial composition of the workforce, and on the earning power of the job. As Briskin and McDermott (1993) and Kumar (1998) argue, the fragmentation along full- versus part-time jobs served to weaken the union movement in its efforts to organize workers, particularly those in nonstandard work.

Indeed, for a long time, union policy towards nonstandard labour contracts tended to be "defensive" or "hostile" (Delsen 1990; White 1990; Zeytinoglu 1987, 1999a). Unions sought to eliminate nonstandard work, not to protect those who occupied such jobs (Summers 1997). Primarily left on their own, without government direction, unions acted in the light of their bargaining power and the wishes of the majority membership to negotiate agreements for or against nonstandard workers (Zeytinoglu 1993). Some accepted the fact that nonstandard jobs are here to stay (Hinton, Moruz and Mumford 1999; Ministry of Labour 1997) and bargained for equality in treatment for part-time workers in the workplace; others bargained controls on part-time work (White 1983). As White's (1990) study of part-time and casual women workers struggles in a male-dominated union (postal workers) shows, the union's hostile attitude in 1960s towards these workers changed by mid-1970s, the years when the number of part-time and casual workers in the union membership peaked. White shows that the union bargained for equality on behalf of part-time workers to protect

full-time jobs, to maintain solidarity among the members, to apply its philosophy of equality, and because of part-time workers' activism in "voicing their displeasure when they felt their interests were not being dealt with" (White 1990: 100). As she notes, the union also consistently maintained the position that the number of part-time workers should be reduced, and more importantly, part-time workers themselves had a mixed response of supporting the restrictions and at the same opposing controls on the hours of part-time work. As White (1990: 124) observes, "differences in work schedules and preferences, age and other factors are more important in the response of part-time workers than whether they are male or female," and the union had to find a "delicate balance between many, often conflicting" interests of its members. Similarly, in studying unionized part-time workers, Zeytinoglu (1993) found that unions negotiated both equality in treatment for part-time workers and restrictions on the employer's decisions to create part-time jobs. Thus, research has showed that, union responses to part-time work were extremely varied ranging from support to indecision to outright intolerance (Dagg 1997; Drummond 1992; Jackson 1998; Kainer 1998; Levitan and Conway 1992; Duffy and Pupo 1992).

Kainer's (1998) study of retail food stores in Ontario illustrates the systemic gender inequities in this sector, employer strategies in creating a dual labour market with further segmentation of the periphery, and the ineffectiveness of business unionism to deal with such challenges. While recognizing that retail unions are under pressure from management to accept workplace flexibility initiatives of increasing part-time work, Kainer (1998: 184) argues that unions are not opposing the implementation of new wage tiers which are dividing the workforce between the predominantly male full-time and predominantly female part-time categories.

For part-time workers, the largest unionized nonstandard group in Canada, strong participation of women in the union movement is often cited as a significant reason for the success in their unionization (Barling and Gallagher 1996; Duffy and Pupo 1992; Zeytinoglu 1987). Still, there are unique problems that these workers face when they attempt to organize. For example, Rees (1992) shows that lack of time, given their double workload of childcare and paid work; lack of family support; absence of a union sympathetic to the needs of part-timers; neglect of the central concerns of female union members, especially if they are part-timers; and the unwillingness of employers to agree to paid time off for part-timers for union duties, as problems for female part-time workers. Cumsille et al. (1983), observe three levels of oppression — oppression as women, as workers, and as immigrants — that affect the union involvement of immigrant women:<sup>2</sup>

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2. They seem to use "immigrant" synonymously with "racial minority."

Today we can see that although overt racism and sexism have declined, many union practices are still unsuited to the particular needs of immigrant women workers. For example, there are few translators and interpreters available during organizing and negotiations; union meetings are held at times that make it difficult for us to attend; day care is rarely available; and English as a second language classes are not a priority (Cumsille et al. 1983: 219).

In addition, referring to nonstandard workers Sims (1997) cites the intermittent character of the work, lack of clear employer-employee relationships, and often the small number of workers in prospective bargaining units as other reasons for organizing and representation to be not cost efficient. Thus, unions have either been unable to, or refused to, dismantle the divisions that cause marginalization of the nonstandard workforce.

Indeed, in the absence of adequate protections and rights for nonstandard workers, there is an emerging individualization in determining the terms of employment. Those positioned through valued skills, class, race and gender in the cultural logic of late capitalism are most able as individuals to grasp the opportunities available in the new marketplace. Sayers (1992) persuasively argues that the "individualistic and anti-collectivistic philosophy" of the new workplace is rendering workers powerless. She sees politically disadvantaged workers such as low economic class women, and we would include racialized women, as not positioned to negotiate contracts on an individual basis given their unequal structural location and individual and collective powerlessness in the labour force and society. This, of course, intensifies the differences and fragmentation that already exists in working conditions of core and periphery work, "between men and women, among occupations, racial groups, between the skilled and the unskilled, and between full-time and part-time" workers (Duffy and Pupo 1992: 113).

Rees (1992) notes that for part-time workers and women from low income households, financial costs can restrict or deter them from attending union meetings. Similarly, as Forrest (1993a: 329) has argued, most explanations about women's presumed lack of interest in unions and organizing are in danger of being gendered and sexist statements, that is, "women workers are essentially women, not workers, and so are best understood by examining their personal characteristics." Forrest (1993a: 329) questions the belief that "women's work should be hard to organize, particularly when wages and working conditions are abysmally poor — the very conditions that industrial relations scholars would regard as causative factors in the organizing drives of men." In fact, some recent successful and highly publicized organizing drives of part-time and temporary workers in retail clothing stores, fast food restaurants and coffee shops in Ontario and British Columbia support Forrest's views. Gendered, racialized and class-based inequalities are structural, arising from the workplace and occupational factors, and, as such, have profound implications for union

activity. These structural inequities are, by far, the most important disincentive, making it extremely difficult for racialized and gendered workers in nonstandard work forms to be fully involved in union activities. Indeed, as presented above, our research with racially diverse workers in a food processing plant (Hajdukowski-Ahmed et al. 1999) and in home care (Denton and Zeytinoglu 1996; Denton et al. 1998) further supports this structural inequities argument.

With the changing work relationships, unions have to search for alternative organizing and bargaining approaches such as occupation, region or sector based, or type-of-service-provided based (Sims 1996, 1997; Ministry of Labour 1997; Zeytinoglu 1995, 1996) while paying attention to the diverse needs of the workforce. As Glasbeek (1993: 259) says organized labour should pursue "policies which social democrats and democratic socialists favour but do not seem to be able to get on the agenda in the existing climate." He states, and we concur, that organized labour must band together with the unorganized, i.e. women and nonstandard workers, to overcome employer goals of making workers flexible rather than production processes flexible.

The history of craft unionism, and the present day unionization and collective bargaining successes of a range of workers from construction workers to artists and doctors — all in one way or another, a type of non-standard worker — show that it is possible to organize and collectively bargain for nonstandard workers. As Dagg's (1997) analysis of the future of unions and collective bargaining aptly shows, a key challenge is to find ways to maintain access to collective bargaining and the rights and protections it affords to those employed in nonstandard jobs. As she emphasizes, "if this challenge is not met, precarious and contingent workers and self-employed — particularly women workers and visible minority workers — will be excluded from the advantages of collective bargaining, and overall levels of low pay, insecurity and social inequality will sharply rise" (Dagg 1997: 95).

### ***LABOUR POLICY RECOMMENDATIONS***

Governments, for a long time, procrastinated or hindered the encouragement and development of legislative and policy directives that would be responsive to part-timers, temporary workers and home-based workers. There is now an increasing recognition that international, regional and national laws, regulations and collective agreements should respond to the specific concerns of the nonstandard workforce and provide appropriate protection (ILO 1998a, 1998b). The extent of this protection varies for different countries, as countries adopt different approaches to regulating

nonstandard work arrangements. For example, in the European Union (EU), a recently adopted framework agreement for part-time workers exists (ETUC, UNITE, CEEP 1997), and there are European Community directives endeavouring to establish a minimum floor of protections for temporary workers (Vosco 1998). On the other hand, the U.S., considered by the EU as a model for the new economic environment (Delsen 1999; Meulders and Plasman 1999), has few legal protections on substantive terms of employment for all workers including full-time workers in permanent (continuous) jobs (Summers 1997). As Summers (1997: 519) observes, "benefits such as medical insurance, paid vacations and holidays and paid sick leave are a matter of private [individual] contract. The doctrine of employment-at-will gives the employer, in the absence of union, the bargaining power to dictate the terms of the contract." At the international level, the ILO has adopted conventions and recommendations on nonstandard work forms to ensure protection for workers in such arrangements, but time will show whether these will be widely accepted and implemented (Zeytinoglu 1999c).

In Canada there is some coverage for nonstandard workers under existing laws. Where problems have emerged is with regards to the application of the laws to various types of nonstandard work. For Vallée (1999), Chicha (1999) and Zeytinoglu (1995, 1996), the reality for workers in nonstandard jobs has been that they rarely meet the continuous working hours, the permanent or stable relationship with the employer, the length of employment needed to access benefits and rights in the work place or the subordinate relationship expected of an individual to be considered an employee. Individual employment laws have not shown sufficient flexibility to provide the minimum employment protection and rights to nonstandard workers. Moreover, as Glasbeek (1993: 252) notes, while collective bargaining and industrial unionism of post World War II era "with its patriarchal notion of family wage, male worker with adequate support for his family, succeeded fairly well," unorganized workers were left on their own individual power to negotiate with employers and the minimum protection provided by the employment standards laws. He emphasizes that these laws fall short of providing protection for part-time, casual, temporary workers and homeworkers, lagging behind those of most industrialized nations. In addition, as Dagg (1997) and Hajdukowski-Ahmed et al. (1999) show, often workers in most need of legal protections are not informed of whatever meagre rights they might have under various laws, and even if they are informed, it is too difficult to convince them to file a complaint with appropriate authorities to improve their working conditions due to the fear of losing their hard-found jobs, and the long time it takes for government investigators to reach a decision.

Thus, it is time that existing employment and labour laws are amended to allow sufficient protection and rights for workers in nonstandard jobs.

In addition, education on workers rights and responsibilities is needed for both workers and their employers. Governments, at the federal and the provincial levels, have the responsibility to educate the public on the basic human rights of workers such as nondiscrimination in employment, and the right to organize and bargain collectively. Governments should also facilitate creating workplaces free of fear and harassment for those who would like to raise claims.

Referring to contract work, Brault (1997) discusses the serious shortcomings in existing laws when it comes to regulating the tripartite relations of the worker, agency and client-business. And, Trudeau (1998) argues that there is a clear discrepancy between current labour law and its implementation in the new workplace for precarious workers such as temporary employees hired through personnel agencies. Vosco (1998) also points out similar discrepancies for temporary workers. As Chicha (1999), Vallée (1999) and Zeytinoglu (1995) show, this is precisely because labour laws implicitly assume a bilateral employment relationship between an employer and employee in a stable job environment, which is far from the reality of present day work environment of contract or casual workers, particularly when they are hired through employment agencies.

For example, telework is often presumed to fall outside the existing legislation. Zeytinoglu (1994b) explicates how teleworkers at a Canadian firm were employed as "independent contractors,"<sup>3</sup> and classified as "home-based" rather than as "homeworkers."<sup>4</sup> In being so defined, these teleworkers were placed, precariously, outside the protection of individual employment law. As telework becomes pervasive, difficulties in interpreting work relationships will emerge (Templer et al. 1999). One of the key problems for telework lies in its conceptualization. Conceptualizations are political and act as transfer points of meanings and practices, installing particular sets of advantage or disadvantage for certain workers as is made evident in the above referenced Canadian study of telework. The imprecision about the status of teleworkers is not unique. An ILO report found such "vagueness" to be pervasive in the whole field of "homework" in most countries (ILO 1995), and proposed standards to define and regulate such relationships (ILO 1998b; Zeytinoglu 1999c).

3. Under the provincial laws of Ontario, teleworkers as independent contractors are considered non-employees. The criteria used to make such a distinction are a series of legal tests. For example: Does the individual have a chance to profit or risk a loss from the venture?; Does the individual supply her/his own tools of the trade?; Is the individual free to do the job as s/he sees fit. If the answers to these questions are yes then the individual is not covered by employment laws.
4. As "homeworkers" (industrial piece workers who work from home) they would have been covered by Employment Standards Legislation.

The future of workers in nonstandard jobs when they reach retirement years is another concern. In pension plans, nonstandard workers' level of earnings have alarming consequences for their retirement years. For example, in Canada, since contributions to pension plans are income-determined, in the long term, those employed intermittently, on shorter hours, in contract work, or in low-paying jobs will receive lower income at retirement (Dagg 1997; Leckie 1998; Zeytinoglu 1996), contributing yet further to the polarization of income and opportunities in the society. These are issues of larger societal concerns and their solutions are embedded in the macro-level labour policies that governments make. As Vallée (1999: 311–312) argues, “certain amendments to the existing legislation would certainly strengthen the protection offered to these workers... However, more fundamental changes must also be considered... Labour law should aim to become a law applying to the activity of work instead of a law applying to the employment relationship.” We recommend pension plans, including company pension plans, to be owned by the workers as an inherent right, connected to work activity contract and be fully transferrable between employers as worker moves from one contract to another. Referring to the U.S. labour market, Cappelli et al. (1997) also recommend such portability for pensions.

An unconventional approach to revising and re-vitalizing labour relations policy and standards for collective representation of nonstandard workers is needed. As argued by Chicha (1999), Dagg (1997), Sims (1997), Trudeau (1998), Vallée (1999) and Zeytinoglu (1995, 1996), existing legislative structures do not fit well with the new realities of work, where often it is difficult to find long-term, workplace based and continuous employer-employee relationships. Existing labour laws for organizing and bargaining need to be amended, or alternative legal frameworks should be adopted. As Fudge (1993: 243) writes,

The structural bias in Canadian collective bargaining legislation towards narrow, economistic forms of unionism results in an extremely precarious secondary labour market. Not only does this mean that the workers in the bottom half of the labour market, many of whom are women, derive either little or no benefit from collective bargaining, it also undermines the possibility of broader political support for policies which support unionism.

Legislative changes to promote broader-based organizing and bargaining for nonstandard workers is essential for equity in workplaces (Brault 1997; Dagg 1997; Fudge 1993; Glasbeek 1993; Jackson 1998; Kumar 1998; Lowe 1998; Sims 1997; Vallée 1999; Zeytinoglu 1995, 1996).

The experience of SEWA in India, in organizing informal sector female workers and negotiating with the government for legislative protection and for minimum working conditions coverage for all workers (MRCPOWH

1997) is one such example, and could work in Canada as well. It is time that the traditional legal concepts are revised to allow for new legislative models of representation and bargaining. The increase in nonstandard work begs for the legal system to allow for and provide the benefits of individual employment law protection, unionization and collective bargaining for all workers.

### ***CONCLUSION***

In this review we explored some of the tremendous changes in work relationships and sought to provide a gender, race and class based analysis of these changes. The literature reviewed raises serious concerns on working conditions in nonstandard work, in particular for female, racial minority, and low economic class workers who are the predominant group in such work. Nonstandard work has been generally described as insecure, low waged jobs, with minimum access to customary employment benefits. As could be seen from the review of the literature, these work arrangements are made further precarious by the absence of adequate or enforceable legal protections and rights for the worker.

Discussions on the future of work and workplace have shown that most of the newly created work relationships have been in the form of nonstandard work, as workers get sorted into core versus peripheral nonstandard workers. There is therefore, an implicit notion of malleability to this labour market, all of which has resulted in prejudiced perceptions towards the nonstandard workforce. Yet this is the workforce that is growing, and the one that employers, globally and nationally, are increasingly relying on. From the public policy perspective, lack of regulatory mechanisms to protect these workers from workplace injustices and legal hurdles in attempts to organize and represent them deserve attention.

That these work arrangements are of immense social and economic policy concern is beginning to be well articulated. The focus should be now on redirecting labour policy, for supportive public policies can provide the foundation for building new work relationships. Labour policy should also be conceived to help create enabling workplaces that allow workers to thrive. Effective labour policy is needed for nonstandard work to provide equitable working conditions for women, particularly racial minorities and low economic class workers, who are the dominant workers in such jobs.

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## RÉSUMÉ

### Genre, race et classe sociale : dimensions du travail atypique

Nous cherchons, dans la présente revue de la littérature, à analyser de façon critique et à synthétiser les écrits sur le travail atypique dans des dimensions de genre, de race et de classe sociale. En plus de la littérature, nous incorporons à notre analyse notre expérience et nos connaissances accumulées par la recherche sur le sujet. Il est important et crucial de comprendre les dimensions de genre, race et classe sociale du travail atypique et leurs interrelations pour élaborer des politiques publiques appropriées. Après avoir défini le travail atypique et l'interrelation des facteurs de genre,

race et classe, nous présentons notre discussion dans un cadre conceptuel de dualité à l'intérieur duquel nous situons les différentes formes du travail atypique. Nous entendons par dualité la division de la main-d'œuvre entre les travailleurs principaux et les travailleurs périphériques, division qui se reflète dans des marchés du travail différents selon le sexe, la race et les classes. Dans une telle hiérarchie, le travail féminin, surtout celui des femmes des minorités raciales et des femmes économiquement défavorisées, en est venu à prédominer dans les emplois atypiques les plus périphériques et précaires.

Nous poursuivons notre revue critique de la littérature par une discussion sur le fait que la création d'emplois atypiques est surtout initiée par les employeurs. Le travail atypique est créé dans un marché du travail, dominé par un système de valeurs masculines, qui est fondamentalement construit et stratifié selon le genre, la race et les classes. Nous examinons le rôle que pourraient jouer les syndicats dans l'atteinte de l'équité sur les marchés du travail. Nous concluons en recommandant des changements dans les politiques publiques en matière de travail pour répondre aux besoins des travailleurs, surtout les femmes des minorités raciales et celles économiquement défavorisées qui occupent ces emplois atypiques.

Il n'y a pas de définition claire du travail atypique. Ici, nous le définissons à l'intérieur des grandes catégories de travail : temporaire, à temps partiel et à domicile. Nous nous concentrons sur le sexe, la race et la classe comme étant interreliés et se renforçant mutuellement.

L'accroissement du travail à temps partiel durant les années 1980 a amené plusieurs chercheurs à conclure à l'existence d'une structure dichotomique d'emploi selon laquelle les travailleurs à temps plein constituent le « noyau » et les travailleurs à temps partiel sont embauchés en « périphérie » du lieu de travail. Dans le marché interne du travail, un système de travail à deux niveaux a été défini et a organisé les travailleurs de façon inégale, renforçant les pratiques d'exclusion et engendrant des désavantages au profit des groupes dominants. Ce n'est pas simplement n'importe quelle femme ou toutes les femmes qui sont prisonnières de l'idéologie du travail atypique : lorsque nous considérons qui fait quel travail, l'histoire et les récentes études de cas indiquent que ce sont les femmes membres des minorités raciales souvent économiquement défavorisées qui fournissent cette flexibilité du travail atypique au marché du travail et aux entreprises. La réalité pour la plupart des travailleuses atypiques est d'être exclues des droits et avantages sociaux, et d'une protection adéquate par les syndicats. Les syndicats, traditionnellement dominés par les hommes, et considérant l'homme comme gagne-pain, se sont structurés pour protéger le travail à plein temps et non le travail périphérique atypique. Sur cet aspect, la littérature se préoccupe encore du degré de support des syndicats

pour le travail féminin. Avec les relations d'emploi qui sont en mutation, les syndicats doivent chercher de nouvelles approches pour la syndicalisation et la négociation collective axées, par exemple, sur l'occupation, la région, le secteur ou le type de service, tout en se préoccupant des différents besoins des travailleurs. L'histoire du syndicalisme de métier et les succès actuels de la syndicalisation et de la négociation collective pour un éventail de travailleurs, tels ceux de la construction, les artistes et les médecins, démontrent la possibilité de syndiquer des travailleurs atypiques et de négocier pour eux. Le mouvement syndical doit se joindre aux non-syndiqués, c'est-à-dire les femmes et les travailleurs atypiques, pour contrecarrer les objectifs des employeurs de rendre les travailleurs flexibles plutôt que les processus de production.

Les gouvernements ont longtemps empêché le développement de politiques législatives et réglementaires répondant aux besoins des travailleurs à temps partiel, des travailleurs temporaires et des travailleurs à domicile. On reconnaît de plus en plus maintenant que les lois et règlements internationaux, nationaux ou régionaux et les conventions collectives devraient répondre aux préoccupations spécifiques des travailleurs atypiques et leur fournir une protection adéquate. L'étendue de telle protection varie d'un pays à l'autre. Au Canada, on retrouve une certaine protection pour les travailleurs atypiques dans certaines lois. Le problème ici en est un d'application de ces lois selon les différentes formes de travail atypique. Tels travailleurs connaissent rarement des heures continues de travail, n'ont pas de relation stable et permanente avec leur employeur, ne travaillent pas suffisamment longtemps pour avoir accès aux avantages et aux droits prévus à la loi ou ne jouissent pas d'une relation de subordination juridique suffisante pour être reconnus comme salariés. Il est grand temps de réviser les concepts légaux traditionnels pour permettre de nouveaux modèles législatifs d'application, de représentation et de négociation.